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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA,

4 v.

12 Cr. 652 (MHD)

5 JOANNE SIMMONS,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 November 10, 2014  
10:10 a.m.

10 Before:

11 HON. MICHAEL H. DOLINGER,

12 Magistrate Judge

13  
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the  
17 Southern District of New York

CHRISTINE MAGDO

17 KATE REILLY

18 Assistant United States Attorney

19 MICHAEL P. KUSHNER

Attorneys for Defendant

20 BY: MICHAEL P. KUSHNER

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1 (Case called)

2 THE COURT: We had scheduled a conference for 9:30.

3 It was my understanding that the parties have been in  
4 conference with each other and amongst themselves and, hence,  
5 the conference is not starting until now, a little bit after  
6 10:00.

7 Is there anything that the parties want to put on the  
8 record at this point?

9 MR. KUSHNER: Judge, I believe that we are very close  
10 to a plea agreement. I just need another moment to speak with  
11 Ms. Simmons in the hallway. The government and I just came  
12 back in from our final discussion. The final iteration of the  
13 plea is worked out between the parties. I just need to get  
14 Ms. Simmons' approval to talk about that.

15 So, I understand that we have delayed the trial start.  
16 I believe it will be obviated though, if I can have another  
17 moment to speak with her.

18 THE COURT: My understanding is that we will be in a  
19 position to have a jury pool up here around 10:30 or so. So,  
20 before that happens we will need to deal with a few matters,  
21 assuming the case goes to trial. So, bear that in mind. I'm  
22 not trying to rush you but the history of this case suggests  
23 that a firm hand, as they say on the tiller, is probably wise.

24 So, if you need another minute or two, please take  
25 that.

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1 MR. KUSHNER: Thank you so much, your Honor.

2 MS. MAGDO: Thank you.

3 THE COURT: Sure.

4 (Recess)

5 MS. REILLY: Good morning, your Honor. Kate Reilly  
6 and Christine Magdo for the government.

7 MR. KUSHNER: For the defendant, Michael Kushner,  
8 K-U-S-H-N-E-R. Good morning, Judge.

9 THE COURT: Good morning.

10 MR. KUSHNER: Judge, we have come to the point where  
11 Ms. Simmons is ready to take a plea in this matter.

12 THE COURT: Okay. I have been handed what appears to  
13 be a plea agreement signed by both sides and dated November 10,  
14 2014. I take it this is the agreement that's been alluded to?

15 MR. KUSHNER: Yes, Judge.

16 THE COURT: Let me first of all confirm my  
17 understanding of the penalties that Ms. Simmons faces if  
18 convicted on this charge.

19 Based on the plea agreement, am I correct in  
20 understanding that she faces potentially a prison term of up to  
21 one year, a supervised release term of as much as a year, a  
22 fine of up to either \$100,000 or twice the total gain or loss  
23 from the crime, a \$100 special assessment, and an order of  
24 restitution?

25 MS. REILLY: That's correct, your Honor.

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1 THE COURT: Ms. Simmons, would you please raise your  
2 right hand?

3 (Defendant and counsel conferring)

4 THE COURT: Do you affirm that the answers that you  
5 will give to my questions will be the truth and nothing but the  
6 truth?

7 THE DEFENDANT: Yes.

8 (Defendant sworn)

9 THE COURT: Ms. Simmons, would you please state your  
10 full name?

11 THE DEFENDANT: My name is Joanne Simmons.

12 THE COURT: What is your age?

13 THE DEFENDANT: Joanne J. Simmons.

14 THE COURT: What is your age? Approximately.

15 THE DEFENDANT: I'm, like, in the 50s.

16 THE COURT: Okay.

17 What is the extent of your formal education?

18 THE DEFENDANT: Well, it's like about eight, seven.

19 THE COURT: Grade?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay.

22 Are you now or have you recently been under the care  
23 of a doctor or psychiatrist for any reason?

24 THE DEFENDANT: Yes.

25 THE COURT: Have the conditions for which you are

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1 being treated made it more difficult for you to listen, hear,  
2 think, reason, or make decisions?

3 THE DEFENDANT: To sometimes think.

4 THE COURT: Are you currently under any medication?

5 THE DEFENDANT: Yes.

6 THE COURT: Have the medications that you have been  
7 taking made it more difficult for you to listen, hear, think,  
8 reason or make decisions?

9 THE DEFENDANT: Sometimes, yes.

10 THE COURT: Let me ask you specifically about today.  
11 Have you been able, today, to understand pretty much everything  
12 that has been said to you?

13 THE DEFENDANT: Some, yes.

14 THE COURT: Have you been able to understand what your  
15 lawyer has been discussing with you about the case and about  
16 whether you should be entering a guilty plea today?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you satisfied that you are able to  
19 make a clear, rational decision today as to whether to enter a  
20 guilty plea?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay.

23 Are you currently under the influence of any  
24 mind-altering drugs?

25 THE DEFENDANT: Yes.

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1 THE COURT: What sort of drugs are these?

2 THE DEFENDANT: Prescribed.

3 THE COURT: Prescription drugs?

4 THE DEFENDANT: Yes; Cymbalta and Oxycontin and Lyrica  
5 200s, and I forgot the others.

6 THE COURT: Okay. Are you currently under the  
7 influence of any alcoholic drinks?

8 THE DEFENDANT: No.

9 THE COURT: Have you had an opportunity to discuss the  
10 charge against you and how you wish to plead today with your  
11 attorney?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you satisfied with your attorney?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you ready, then, to enter a plea to  
16 the charge contained in the information?

17 THE DEFENDANT: Um, you said container?

18 THE COURT: No. I am asking you whether you are ready  
19 to enter a plea to the charge that's been filed against you by  
20 the government in this case.

21 THE DEFENDANT: Oh. Yes.

22 MR. KUSHNER: Speak a little louder. You are doing  
23 good.

24 THE DEFENDANT: Sorry. Sorry.

25 THE COURT: That's okay.

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1           Bearing in mind that the charge against you is, in  
2           substance, that for a period, the years between 2004 and 2012,  
3           you made certain false statements to the U.S. Department of  
4           Housing and Urban Development, or HUD, with the intent to  
5           obtain benefits fraudulently, that is, benefits to which you  
6           were not entitled. How do you plead to this charge; guilty or  
7           not guilty?

8           THE DEFENDANT: Can I ask my --

9           THE COURT: Yes.

10          (Defendant and counsel conferring)

11          THE DEFENDANT: Yes. Yes, your Honor.

12          THE COURT: How do you plead to this charge; guilty or  
13          not guilty?

14          THE DEFENDANT: I'm guilty of that sin, your Honor.

15          THE COURT: Now, because you are proposing a guilty  
16          plea I have to ask you some questions. My purpose in doing so  
17          is to make sure that you understand the consequences of  
18          pleading guilty and also to be sure that your plea is  
19          voluntary.

20          First of all, I want you to understand that if  
21          convicted on this charge you could face, as a potential maximum  
22          penalty, a prison term of up to one year, a supervised release  
23          term of up to one year, a fine of as much as \$100,000 or twice  
24          the total gain from the crime, whichever is larger, or twice  
25          the total loss caused to any victims of the crime.

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1 Do you understand that?

2 THE DEFENDANT: Can I just talk to my attorney for a  
3 minute?

4 THE COURT: Yes.

5 (Defendant and counsel conferring)

6 MR. KUSHNER: Judge, Ms. Simmons just has a few  
7 cognitive issues that prevent her from fully understanding that  
8 question because it is long. Is it possible we can go piece by  
9 piece?

10 THE COURT: Yes. Certainly.

11 MR. KUSHNER: Thank you.

12 THE DEFENDANT: Sorry.

13 THE COURT: Now, Ms. Simmons, do you understand that  
14 if convicted on this charge, which is a charge of false  
15 statement, you could face, as a potential maximum penalty, a  
16 year in prison? Do you understand that?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you understand also that if convicted  
19 on this charge you could face, as a potential maximum penalty,  
20 a term of supervised release of up to a year?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Do you understand also that if convicted  
23 on this charge you could face, as a potential maximum penalty,  
24 a fine of up to either \$100,000 or twice the total gain from  
25 the crime, whichever is larger?



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1 Do you understand that?

2 MR. KUSHNER: Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand also that if convicted  
5 of this crime you would face a mandatory special assessment of  
6 \$100?

7 THE DEFENDANT: Can I just --

8 THE COURT: Yes.

9 (Defendant and counsel conferring)

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Okay.

12 Do you also understand that if convicted of this  
13 charge you would face an order of restitution which would  
14 require you to return any monies improperly obtained from HUD?

15 Do you understand that?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Are you a United States citizen?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand that you have a right to  
20 plead not guilty and a right to a trial, indeed a jury trial,  
21 if you wish?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that if you pled not  
24 guilty and went to trial, the burden would be on the government  
25 to prove your guilt beyond a reasonable doubt?

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1 THE DEFENDANT: One minute?

2 (Defendant and counsel conferring)

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand that if you went to  
5 trial you would be presumed innocent unless and until the  
6 government proved your guilt beyond a reasonable doubt?

7 THE DEFENDANT: I'm gonna? I'm sorry, can you say  
8 that again?

9 THE COURT: Yes.

10 Do you understand that at a trial you would be  
11 presumed innocent until and unless the government proved your  
12 guilt beyond a reasonable doubt?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you understand that at a trial you  
15 would be entitled to be represented by a lawyer at all stages?

16 THE DEFENDANT: Could I?

17 (Defendant and counsel conferring)

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand, also, that if you could  
20 not afford to hire a lawyer, your lawyer's services would be  
21 provided without charge, that is, would be provided free?

22 THE DEFENDANT: Can I?

23 THE COURT: Yes.

24 (Defendant and counsel conferring)

25 MR. KUSHNER: Thank you, your Honor.

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1 THE COURT: Yes.

2 THE DEFENDANT: Yes.

3 THE COURT: Okay.

4 Do you understand that if you went to trial you would  
5 be entitled, through your lawyer, to cross-examine any  
6 government witnesses?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you understand that at such a trial you  
9 would be entitled to call witnesses to testify for you?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Do you understand that at such a trial you  
12 would be entitled to use the authority of the Court through the  
13 issuance of subpoenas to require witnesses to come testify for  
14 you at trial?

15 THE DEFENDANT: Your Honor?

16 THE COURT: Yes.

17 (Defendant and counsel conferring)

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand also that at such a  
20 trial you would be entitled to testify on your own behalf?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Do you also understand that at such a  
23 trial you would not be required to incriminate yourself, that  
24 is, you would not be required to testify against yourself?

25 Do you understand that?

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1 THE DEFENDANT: Your Honor, can I ask?

2 THE COURT: Yes. Sure.

3 (Defendant and counsel conferring)

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that by pleading guilty  
6 you are giving up all of these protections including a trial?

7 THE DEFENDANT: Could you say that again?

8 THE COURT: Yes.

9 THE DEFENDANT: Sorry.

10 THE COURT: Do you understand that if you plead guilty  
11 you are giving up all of the protections I have just mentioned,  
12 mostly your right to a trial, and the only remaining step will  
13 be imposition of sentence?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you understand the nature of the charge  
16 to which you are pleading guilty, that is, the false statement  
17 charge?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand the range of penalties  
20 to which you are at least potentially subjecting yourself by  
21 pleading guilty?

22 THE DEFENDANT: Can you say that one again? I didn't  
23 understand that one.

24 THE COURT: Okay. Do you understand what penalties  
25 might be imposed on you as a sentence based upon your

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1 conviction on this charge?

2 THE DEFENDANT: Can I talk to my attorney?

3 THE COURT: Yes.

4 THE DEFENDANT: Sorry.

5 THE COURT: Okay.

6 (Defendant and counsel conferring)

7 THE DEFENDANT: Yes, your Honor. I'm sorry.

8 THE COURT: Okay.

9 Do you understand that if any of the statements that  
10 you make today, under oath, prove to have been untruthful, you  
11 could face a separate prosecution for perjury? Do you  
12 understand that?

13 THE DEFENDANT: Um, can I talk to my attorney?

14 THE COURT: Yes. Of course.

15 (Defendant and counsel conferring)

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Do you still wish to plead guilty?

18 THE DEFENDANT: Could you say that again?

19 THE COURT: I'm simply asking whether you still wish  
20 to plead guilty.

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Have any threats been made to you to  
23 influence how you plead today?

24 THE DEFENDANT: I'm not sure. Would you -- can I --  
25 can I -- say that again?

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1 THE COURT: I am simply asking whether anyone has  
2 forced you, compelled you, to plead guilty by threatening you  
3 in some way or is this something you are doing of your own free  
4 will?

5 THE DEFENDANT: I'm done -- yes, your Honor, I'm doing  
6 it on my own.

7 THE COURT: Okay.

8 I have received a copy of a letter -- I have already  
9 mentioned this before -- dated November 10, 2014, which appears  
10 to contain a plea agreement. Apart from what is in this  
11 letter, have any promises been made to you as to the sentence  
12 that you will receive in this case?

13 THE DEFENDANT: No.

14 THE COURT: Do you understand that the decision as to  
15 the appropriate sentence will be entirely up to the trial  
16 court?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you understand that in determining  
19 sentence the trial court will be guided only by what the law  
20 requires including the so-called United States Sentencing  
21 Guidelines?

22 THE DEFENDANT: I didn't understand that one.

23 THE COURT: Okay. Do you want to take a minute or  
24 two?

25 THE DEFENDANT: Can you say that one again?

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1 THE COURT: Sure.

2 (Defendant and counsel conferring)

3 THE DEFENDANT: Sorry.

4 THE COURT: That's okay. Take your time.

5 (Defendant and counsel conferring)

6 THE COURT: Now, are you ready?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. Let me repose the question.

9 Do you understand that in determining the sentence the  
10 Court will look to what the law requires including the United  
11 States Sentencing Guidelines? Do you understand that?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Okay.

14 Do you also understand that even if you are  
15 disappointed by the sentence that you receive, under this plea  
16 agreement you are giving up your right to complain about that  
17 sentence either on appeal to the Court of Appeals or any  
18 application to the trial court? Do you understand that?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: Okay.

21 This is the November 10 letter that I have been  
22 talking about before. Did you sign this plea agreement?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Before you signed it, did you discuss it  
25 with your lawyer?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Did he explain to you all of its terms?

3 THE DEFENDANT: What I could understand.

4 THE COURT: Do you understand that there is -- in the  
5 plea agreement there is a discussion of the sentencing  
6 guidelines and how they may affect the sentence in your case?

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Now, I note that in the course of  
9 discussing the sentencing guidelines the plea agreement ends  
10 with the prediction that the sentencing guideline range for a  
11 prison term will be 12 months.

12 Are you aware of that?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you understand that when it comes time  
15 to sentence you the Court will not necessarily be required to  
16 apply the guidelines directly to your case?

17 THE DEFENDANT: Can I --

18 THE COURT: Yes. Sure.

19 (Defendant and counsel conferring)

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Okay.

22 Do you also understand that even if the Court does  
23 apply the guidelines in your case, it will not be bound by what  
24 the prediction made in the plea agreement about what the  
25 guideline range is and it may choose to impose a prison term



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1 that is shorter than the guideline range mentioned in this plea  
2 agreement?

3 Do you understand that?

4 THE DEFENDANT: Can I --

5 THE COURT: Yes. Sure.

6 (Defendant and counsel conferring)

7 THE DEFENDANT: Yes, your Honor.

8 THE COURT: Do you understand also that as part of  
9 this plea agreement, even if it turns out that the government  
10 has improperly withheld from your lawyer information that would  
11 have been helpful to him in defending you at trial, you are  
12 giving up your right to complain about that form of government  
13 misconduct?

14 (Defendant and counsel conferring)

15 THE DEFENDANT: Yes, your Honor. Sorry.

16 THE COURT: Okay.

17 Is your plea made voluntarily and of your own free  
18 will?

19 THE DEFENDANT: I didn't hear you. I didn't hear you.

20 THE COURT: All right.

21 THE DEFENDANT: I'm sorry.

22 THE COURT: Is your plea, your guilty plea, made  
23 voluntarily by you of your own free will rather than being  
24 compelled by someone else?

25 THE DEFENDANT: I'm sorry. Is that a --

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1 (Defendant and counsel conferring)

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Did you in fact commit the crime that is  
4 charged in the information, that is, the charge of making a  
5 false statement to the Department of Housing and Urban  
6 Development?

7 THE DEFENDANT: I'm so sorry, your Honor. Can you  
8 just say that one more time?

9 THE COURT: Yes.

10 I am simply asking you whether you committed the crime  
11 that was charged in the information which is making a false  
12 statement to the Department of Housing and Urban Development.

13 THE DEFENDANT: I don't know how to answer that one  
14 but, no. I don't know how to answer that one.

15 THE COURT: Well, you either did commit this crime or  
16 you didn't.

17 THE DEFENDANT: Oh. Yes, your Honor. I'm sorry.

18 THE COURT: Okay.

19 Now, before I ask Ms. Simmons to specify her conduct I  
20 will ask the government briefly to summarize the elements that  
21 it would have to establish at trial to sustain this charge.

22 MS. REILLY: Your Honor, at trial the government would  
23 prove beyond a reasonable doubt each of the following three  
24 elements:

25 First, that on or about the dates alleged in the

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1 information the defendant made a report or statement to the  
2 Department of Housing and Urban Development; second, that that  
3 report or statement was false; and third, that the false report  
4 or statement was made knowingly and with intent to defraud. In  
5 addition, the government would have to prove by a preponderance  
6 of the evidence that venue was proper in the Southern District  
7 of New York.

8 THE COURT: Now, Ms. Simmons, can you tell us in your  
9 own words what it is that you did that forms the basis for the  
10 charge to which you are now pleading guilty?

11 MR. KUSHNER: Judge, we have a written allocution that  
12 Ms. Simmons and I prepared and the government has reviewed. I  
13 would ask that she be permitted to read from it.

14 THE COURT: That's fine.

15 THE DEFENDANT: I asked -- can I read it now?

16 THE COURT: Yes.

17 THE DEFENDANT: Between 2004 and 2012 I asked the  
18 count --

19 MR. KUSHNER: The government.

20 THE DEFENDANT: -- the government for assistance to  
21 live at 1118 Madison Street by filling -- filling the Section 8  
22 forms. At the same time I filled out other government forms  
23 that said I lived in Queens Village. In fact, at the most  
24 times while I received assignments to live at 1118 Madison I  
25 was until -- I was actually until -- I was actually living in

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1 Queens Village. I know that information I provided was false  
2 but I did it so I could keep the 1118 Madison Street apartment.

3 THE COURT: Just to clarify, am I correct that you  
4 filled out forms for HUD and for the Section 8 program that  
5 said you were living at 1118 Madison Street; is that correct?

6 THE DEFENDANT: Yes, sir. Yes, your Honor.

7 THE COURT: And that was intended to get you benefits  
8 under the Section 8 housing program? Is that correct?

9 THE DEFENDANT: That was to let them approve me.

10 THE COURT: Okay. And during some part of this period  
11 or all of this period between 2004 and 2012 were you living  
12 elsewhere, that is, in Queens Village?

13 THE DEFENDANT: Yes, in some parts.

14 THE COURT: And did you, when you filled out those  
15 forms and submitted them for Section 8 housing benefits, did  
16 you know that by stating that you were living at 1118 Madison  
17 you were making a false statement?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Are there any other questions I should ask  
20 the defendant that the time?

21 MS. REILLY: May I just have one moment, your Honor?

22 THE COURT: Yes.

23 (Counsel conferring)

24 MS. REILLY: Your Honor, no further questions at this  
25 time. The government would proffer that if the case were to

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1 proceed to trial the government would introduce evidence that  
2 venue was proper, among other things, that the rent checks sent  
3 as a result of the false statements were mailed from Manhattan,  
4 the Southern District of New York.

5 THE COURT: Thank you.

6 Does anyone find there is any basis not to accept the  
7 guilty plea?

8 MS. MAGDO: Not from the government, your Honor.

9 MR. KUSHNER: Not from the defense, your Honor.

10 THE COURT: I will note that while Ms. Simmons is  
11 under a variety of forms of fairly powerful medication, I am  
12 satisfied that she has understood the proceeding in which she  
13 has been participating today and I base this both on my  
14 observation of her throughout this proceeding as well as a  
15 comparison with her behavior during two prior attempts to  
16 obtain a viable plea.

17 I should also note that in response to many of my  
18 questions today Ms. Simmons asked to consult with her attorney  
19 to obtain further explanation of what were and sometimes are  
20 unfortunately potentially complicated questions and that  
21 counsel appears to have engaged in a good faith and reasonable  
22 effort to explain fully to her what the questions were seeking  
23 to obtain in terms of information from her. Thus, I conclude  
24 that she is fully competent to proffer a guilty plea. I am  
25 satisfied that her plea is voluntary and that there is a

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1 factual basis for it. I am also satisfied that she understands  
2 the nature of the charges and the consequences of pleading  
3 guilty. In short, I am accepting the plea at this time.

4 Do we have a date for sentencing?

5 THE DEPUTY CLERK: March 19th at 9:30.

6 THE COURT: March 19 at 9:30.

7 MR. KUSHNER: Judge, I believe there is one more item  
8 that I need to put on the record; that if we were to go to  
9 trial I know of no defenses that Ms. Simmons would be able to  
10 assert that would be innocence-proving.

11 Is that right?

12 MS. REILLY: Your Honor, we think that the prior  
13 questions the Court had posed are sufficient, but certainly  
14 having put that on the record we feel we can proceed.

15 THE COURT: Very well.

16 What is Ms. Simmons' bail status at the moment?

17 (counsel conferring)

18 MS. REILLY: Your Honor, I understand that  
19 Ms. Simmons, upon her arrest in 2012, was released on a  
20 personal recognizance bond. It sounds like the amount was  
21 \$10,000 with a signature of one financially responsible  
22 co-signer.

23 THE COURT: I assume there is no objection to bail  
24 being continued on that basis?

25 MS. REILLY: That's correct, your Honor.

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1 THE COURT: Very well.

2 Is there anything else we should address at this time?

3 MS. REILLY: Nothing further from the government.

4 MR. KUSHNER: Nothing from the defense, your Honor.

5 THE COURT: Very well.

6 Thank you all very much. Have a good day.

7 oOo